

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In Re:)	
)	
John H. Milhorat)	MPC 69-0901
)	
Respondent)	

STIPULATION AND CONSENT ORDER

Now comes John H. Milhorat, M.D. (hereinafter "Respondent") and the State of Vermont, by and through Attorney General William H. Sorrell, and stipulate to the following:

1. Respondent is currently licensed to practice medicine in the State of Vermont, holding license number 042-0005287.
2. The Vermont Medical Practice Board (hereinafter "Board") has jurisdiction over this matter pursuant to 26 VSA §§ 1353, 1354 & 1398 and 3 VSA §§ 809 and 814 (c).

BACKGROUND

3. On February 4, 2003 the State and Respondent entered into a Voluntary Cessation of Practice Agreement ("Agreement") in order to address certain health needs of Respondent. The Board approved the Agreement on February 5, 2003.
4. Paragraph 5 of the agreement states that the "parties fully contemplate that Respondent will be returning to practice of medicine.

5. Paragraph 6 of the agreement states that Respondent will not return to the practice of medicine "until such time as ... the Board, in its sole discretion, determines Respondent's medical needs have been addressed and ... Respondent and the Board fully resolve his practice activities, his treatment and monitoring thereof by the Board."
6. Paragraph 11 of the Agreement states that Respondent is bound by the terms and conditions of the Agreement "until such time in the future as he may be expressly relieved of these terms and conditions or they are modified, in writing, by the Board."
7. Respondent has requested that the Agreement be modified to allow Respondent to return to the practice of medicine.
8. Respondent has been in treatment since July 30, 2003 and has seen his treating physician on an average of two-three times a week.
9. In the opinion of Respondent's treating physician, Respondent is fit to return to the practice of medicine.
10. At the request of the Central Investigative Committee, Respondent met with a physician chosen by the Committee for the purpose of independently evaluating Respondent's fitness to return to the practice of medicine.
11. In the opinion of the independent evaluator, Respondent is fit to return to the practice of medicine with monitoring.
12. The Central Investigative Committee met with the Respondent on November 19, 2003.

STIPULATION OF CONDITIONS

Pursuant to Paragraph 5 of the Agreement, the State and the Respondent agree that Respondent may return to the practice of medicine under the following conditions:

13. Respondent shall remain in treatment with his current treating physician or another physician approved by the Board during the period of his licensure by the State of Vermont.
14. Should Respondent's current treating physician or any subsequent treating physician determine that Respondent is no longer in need of treatment, that treating physician shall immediately notify the Board of such determination and provide reasons to the Board as to why treatment is no longer necessary.
15. Respondent agrees to follow all treatment prescribed by his treating physician.
16. Should Respondent fail to follow the prescribed treatment, the treating physician shall notify the Board immediately.
17. Respondent agrees that he shall cease the practice of medicine at any time his treating physician so recommends. Respondent's treating physician shall notify the Board immediately both of any such recommendation to cease practice and of Respondent's compliance or noncompliance with such recommendation. Respondent agrees that noncompliance with the treating physician's recommendation to cease practice shall be ground for summary suspension by the Board. Should

Respondent be required to cease practice, Respondent agrees not to resume the practice of medicine until resumption of practice is: a) Recommended by the treating physician; and, b) Approved by the Board.

18. Respondent agrees to meet with the Board's independent physician when requested to do so by the Board.

19. Respondent's treating physician shall provide quarterly reports to the Board as to Respondent's progress in treatment. The first report shall be made three months from the date of approval of this Stipulation and Consent Order by the Board.

20. Respondent agrees not to establish a private practice and to limit his practice to a structured group practice. Respondent shall notify the Board of such structured group practice. Respondent's employment with any structured group practice shall be subject to review and approval by the Board, in its sole discretion. A structured group practice is any practice where treatment of patients requires close frequent interaction with colleagues and peers.

21. Respondent agrees to provide copies of this Stipulation and Consent Order to any employer or contractor or partnership involved in Respondent's practice of medicine.

22. Respondent agrees to provide copies of this Stipulation and Consent Order to all Respondent's treating physicians.

23. Respondent acknowledges he has been advised by counsel. Respondent agrees and understands that by executing this document he is waiving the

necessity of proceedings, findings, and an order by the Board, pursuant to 3 VSA §814(c). Respondent voluntarily and knowingly agrees to the terms and conditions herein.

24. Respondent shall execute any and all waivers that may be required for the Board to review such documents or plans, as well as any assessments, evaluations, or reports regarding his compliance with this Stipulation and Consent Order.
25. Respondent understands and agrees that the Board may: (a) communicate freely and without limitation with each physician; and , (b) obtain and review Respondent's evaluative and treatment records in their entirety upon request. Respondent agrees that he shall execute such waivers or releases as may be required to permit the Board or its agents to receive such information, whether orally or in writing.
26. Respondent agrees that the Board may communicate at any time with any physician and/or practitioner involved in Respondent's treatment and agrees that the Board may require, in its sole discretion, such additional care or evaluation as may be deemed necessary to monitor, assess or support Respondent. Respondent shall bear all costs. Respondent agrees that he shall execute all waivers or releases as may be required to permit the Board, its staff, or agents to receive any such information, either orally or in writing.
27. Respondent agrees he has read and carefully considered all terms and conditions herein and agrees to accept and be bound by these until such

time in the future as he may be expressly relieved of these terms and conditions or they are modified, in writing, by the Board. The Board, in its sole discretion, may consider and approve a petition from Respondent at a later date for modification or relief from these conditions, should the circumstances of Respondent's medical condition or recovery so warrant. Respondent expressly agrees that he shall promptly sign any and all consents and/or waivers of confidentiality that may be required so as to permit full and complete disclosure so as to permit the Board to monitor Respondent's ability to practice medicine safely.


28. The parties agree that this Stipulation and Consent Order shall be a public document, shall be made part of the Respondent's licensing file and may be reported to other licensing authorities including, but not limited to, the National Practitioner Data Base and the Federation of State Medical Boards.

29. This Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this agreement, the entire agreement shall be considered void. The parties agree and request that the Board enter an order adopting the terms and conditions set forth herein. Respondent agrees that the Board shall retain jurisdiction to enforce as necessary the terms and conditions herein, pursuant to 26 V.S.A. §1354 (25), or other statutory authority.

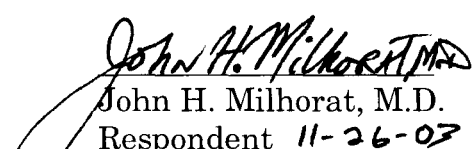
30. Respondent agrees that when the Stipulation and Consent Order is approved by the Board, the Stipulation and Consent Order is an Order of the Board pursuant to 25 V.S.A. §1354 (25) and any failure of Respondent to adhere to the conditions of this Stipulation and Consent Order shall be grounds for charges of unprofessional conduct.

Dated at Montpelier, Vermont this 15th day of ^{December} ~~November~~, 2003.

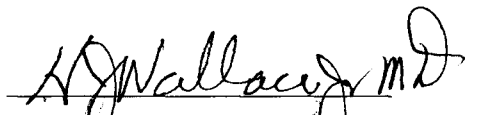
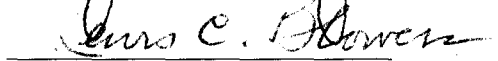
**WILLIAM SORRELL
ATTORNEY GENERAL
STATE OF VERMONT
BY**

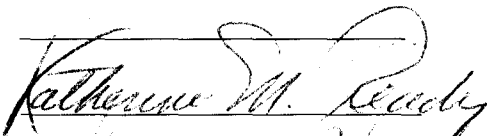
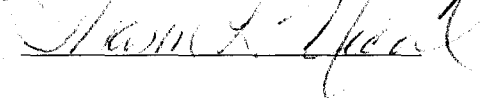

Joseph L. Winn
Assistant Attorney General

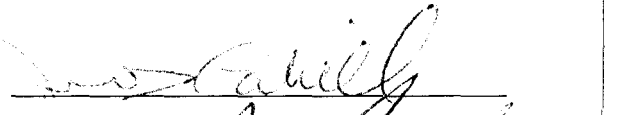
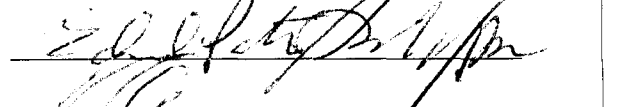

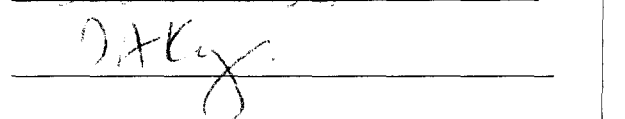
Dated at _____, Vermont this ____ day of November, 2003.


John H. Milhorat, M.D.
Respondent 11-26-03

FOREGOING, AS TO JOHN H. MILHORAT, M.D.,
APPROVED AND ORDERED, VERMONT BOARD
OF MEDICAL PRACTICE:


H. Wallace, MD

Eric C. Blowers


Katherine M. Ready

James L. Spear


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[illegible]

[illegible]

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

DATED: 12/2/03

ENTERED & EFFECTIVE: 12/02/03